

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

No 1:05cr01849-15 JH

DANA JARVIS, et al, ,
Defendants.

**ADDENDUM TO DEFENDANT HOTHAN'S *MOTION TO RECONSIDER*
*DETENTION***

IN ADDENDUM to defendant Hothan's *Motion to Reconsider Detention* (doc 239) he adds the following:

1. The results of a search of all New Mexico cases against defendant show that he had faced a number of traffic citations but there are no warrants or outstanding cases, no fines owed and no pending matters. See exhibit 1.
2. A statement of defendant's motor vehicle history to date shows that all speeding tickets have been resolved and that defendant is in good standing. See exhibit 2.
3. Attorney Ed Nezbit of 1777 N Church Avenue, Suite 200 in Tucson Arizona [Phone 520-628-777][Fax 20-798-1980] was hired by defendant to find any outstanding matters in Arizona, including a pending possession of

marijuana under one ounce. That case was dismissed and no other cases were pending in that state.

4. The defendant's failure to appear at traffic court is not evidence of his flight risk but rather lack of actual notice due to his frequent change of address. When he learned of the existence of minor traffic matters, he took all appropriate steps to quash any warrant and pay any court costs associated with the traffic violation.

5. In addition defendant presents numerous letters of support from employers, friends, adult associates and family. He is able to be employed and his mother can supply third party custody if the court requires additional guarantees of his presence at court. See Exhibit 3.

6. Defendant has no significant criminal history apart from the traffic violations, no history of flight.

7. The nexus between defendant and the drug cartel exposed in the present case is based not on any objective evidence but rather the statement of one "confidential informant" who has clashed with defendant in the past. Defendant denies any involvement in drug dealing apart from his personal use of marijuana less than one ounce on social occasions as a young man. He further denies any knowledge of activities alleged against the father of his former girlfriend and other defendants as revealed in wiretap recordings.

WHEREFORE defendant Hotthan requests that the court:

- A. Reconsider the order of detention filed in his case;
- B. Find insufficient evidence to establish by a preponderance of evidence a flight risk or clear and convincing evidence of a danger to society,
- C. Release defendant on such terms as seem equitable; and,
- D. Grant such further relief as justice requires.

Stephen D Aarons
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Certificate of Service

On the date of filing, I filed an electronic copy of this pleading to opposing counsel:

James Braun US Attorney, District of New Mexico Post Office Box 607 Albuquerque NM 87103-0607
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Stephen D Aarons Counsel for Defendant Hothan
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